

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

CLERK'S OFFICE
San Francisco, California

FREQUENTLY ASKED QUESTIONS

Updated March 5, 2007

Below are the most commonly-asked questions about our Court's procedures.

1. Q. What color should I use for the cover for my brief?
 - A. Blue for appellant, red for appellee, grey for reply, green for amicus and intervener. The covers of the second and third briefs filed according to a cross appeal schedule are yellow.
2. Q. What are the page or word limitations for my brief?
 - A. The length of a principal brief may not exceed 30 pages or a reply brief 15 pages, unless it complies with FRAP 32 (a)(7)(B) and C) which limits the principal brief to 14,000 words of 14 point type, or if monospaced not more than 1,300 lines of text. Reply briefs may not contain more than half of the type volume specified above.
3. Q. What belongs in the excerpt of record and what color is the cover?
 - A. Read Circuit Rule 30 very carefully and the Note following it. White cover.

Unrepresented litigants are not required to file excerpts of record. Petitioners challenging a Board of Immigration Appeals order also are exempted from the excerpt's requirement.
4. Q. How can I obtain a copy of a decision?
 - A. Decision are available on our website at www.ca9.uscourts.gov. If you do not have access to the internet you may send a written request with a check for \$2.00 payable to the Clerk, U.S. Court of Appeals with a self addressed letter

size envelope.

5. Q. How many copies should I send?
- A. **Briefs:** Original + 15 copies. All unrepresented parties need only file an *original + 7 copies of the brief*: Cir. Rule 31-1.
Bill of Cost: Original + 1 copies.
CADS: Original + 1 copy: Cir. Rule 3-4.
Excerpts of Record: 5 copies: Cir. Rule 30-1.2
Motions: Original + 4 copies: Cir. Rule 27-1
Petition for Rehearing: Original + 3: Cir. Rule 40-1
Petition for Rehearing En Banc: Original + 50: Cir. Rule 40-1
Petition for Review: Original + 7 copies.
Request for Interlocutory Appeal Under FRAP 5: Original + 4 copies.
Writ of Mandamus: Original + 4 copies: Cir. Rule 21-2(b)
For a conformed copy, please provide an extra copy of the document and a self-addressed stamped envelope.
6. Q. What hours are you open for filing and are you open during the lunch hour?
- A. 8:30 am - 5:00 p.m. Monday through Friday, except legal holidays. Yes, we are open during the lunch hour.
7. Q. How long does it take from the time of the notice of appeal until oral argument?
- A. (1) For a civil appeal approximately 12-20 months from the notice of an appeal date; if briefing isn't delayed, approximately 9-12 months from completion of briefing.
- (2) For a criminal appeal approximately 4-5 months after briefing is completed.
8. Q. Approximately how long does it take from the time of argument to the time of decision?
- A. The Court has no time limit, but most cases are decided within 3 months to a year.

9. Q. How long does it take to decide a petition for rehearing?
- A. The court has no time limit. A Rehearing En Banc may take a few months.
10. Q. How can I get a copy of a brief, excerpt or a case file, etc.?
- A. The Clerk's Office will copy any document 10 pages and under for \$.50 per page. You can come to the Court and copy documents for \$.20 per page on the public copy machine. (Court documents cannot be taken outside the Court for copying). The Clerk's Office can refer you to a private source for your copying needs.
11. Q. Can I get a copy of an oral argument?
- A. If you have access to the Internet, you can download the oral arguments from our website, www.ca9.uscourts.gov. If you do not have access to the Internet and would like to obtain the audible copy of oral argument, send a written request to: Clerk, U.S. Court of Appeals, P.O. Box 193939, San Francisco, CA 94139, along with your check for \$26.00 payable to Clerk, U.S. Court of Appeals.
12. Q. What are the most common fees in the Ninth Circuit?
- A. Petition for Review is \$450.00
Writ of Mandamus is \$450.00
Certification: \$9.00
Decisions: \$2.00
Attorney Admission: \$190.00/Certificate of Good Standing: \$15.00
Audible copy of Oral Argument: \$26.00
General Orders: \$5.00 or available on our website.
Docket Sheets: \$3.00
13. Q. Where do I file a notice of appeal and what is the fee?
- A. The notice of appeal is filed in the lower court and should be submitted with the \$455.00 filing fee. For BAP cases, fees are collected by BAP. Refer to Circuit Rule 3-1.

14. Q. Can I speak to a Judge about my case?

A. No, all questions about your case should be directed to the Clerk's Office by calling (415) 355-8000 for Clerk's assistance, or submitted in writing, pursuant to Circuit Rule 25-2, Communications to the Court.

15. Q. How can I obtain a copy of the local rules and/or General Orders?

A. Both documents are available on our web site: www.ca9.uscourts.gov. or, you can write a letter to the Clerk of Court requesting copies. The rules are free of charge. General Orders are \$5.00.

16. Q. How can I get copies of general forms?

A. Call the Clerk's Office at (415) 355-8000 or send a written request. The majority of the Court's forms are also available on the website.

17. Q. When do I need to be admitted?

A. Any attorney who causes a case to be docketed in this Court or who enters an appearance in this Court, and who is not already admitted to the Bar of the Court, shall simultaneously apply for admission. Cir.R. 46-1.2

18. Q. How can an attorney be admitted to practice in the 9th Circuit?

A. You can obtain a copy of the form off our website, www.ca9.uscourts.gov , or you may phone or write to request an application for admission, (415) 355-7800. The fee for admission is \$190.00. Complete the form and send the application to the Court along with your check for \$190.00 payable to Clerk, U.S. Court of Appeals. The Court will send you a Certificate of Admission which is good for a life time membership. **As of October 1, 2006 you do not need to notarize the form.**

19. Q. How can I find out if I am admitted to the Ninth Circuit?

A. By calling the Clerk's Office at (415) 355-7800.

20. Q. How long does it take to be admitted to the Ninth Circuit?

A. You are deemed admitted the day we receive your completed application and remittance. It takes four to six weeks to receive a Certificate of Admission.

21. Q. Is the "received" stamp the same as the "filed" stamp?
- A. No. A document is received until it can be reviewed for appropriateness by the clerk. If all rule requirements have been met, the clerk stamps it "Filed." For example, documents delivered to our front counter are received and sent to a clerk for verification.
22. Q. What do I do if I have an emergency motion?
- A. Any emergency situation should be brought to the attention of the motion's unit. During business hours you can telephone the motion's unit directly at, (415) 355-8020. After hours notification call the main clerk's office number, (415) 355-8000. See Circuit Rule 27-3.

Court Address:

<u>Mailing Address</u>	<u>Street Address</u> (for express/overnight mailings)
U. S. Court of Appeals	Clerk, U.S. Court of Appeals
P. O. Box 193939	95 Seventh Street
San Francisco, CA 94119-3939	San Francisco, CA 94103-1518

23. Q. Is a document considered timely if it is served on the due date?
- A. Under FRAP 25(a)(2)(B), only briefs and excerpts are considered timely when served on the due date. All other documents, including motions, petitions for rehearing and cost bills, must be delivered to the court by the due date. See FRAP 25(a)(2)(A).

Office of the Clerk

<p align="center">U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT <i>SCHEDULE EFFECTIVE APRIL 9, 2006</i></p>

Description Fee

Docketing Fee

Normally paid in District Court **FRAP 3.** \$ 455.00
Except for BAP cases, fees collected by
clerk of the court of appeals.

Petition For Review \$ 450.00

Writ Of Mandamus \$ 450.00

Certifications (Court Seal) \$ 9.00

Record Search & Certification \$ 26.00

Copy Fees per page, 10 page limit \$ 0.50

Docket Sheets* \$ 3.00

General Orders* \$ 5.00

Oral Argument Tapes* \$ 26.00

Opinions* \$ 2.00

Sanctions Court Directs Amount

Returned Check \$ 45.00

9th Circuit Rules* No Charge

ATTORNEY ADMISSIONS

Attorney Admission Fee \$ 190.00

Certificate of Good Standing*	\$	15.00
Duplicate Admission Certificate*	\$	15.00
“Perfecting Your Appeal” Video*	\$	15.00 (state “Civil” or “Criminal” version)

* Send Self-addressed label with request